

## § 3401.11

- and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants);
- 7 CFR Part 3018—USDA implementation of New Restrictions on Lobbying. Imposes new prohibitions and requirements for disclosure and certification related to lobbying on recipients of Federal contracts, grants, cooperative agreements, and loans;
- 7 CFR Part 3019—USDA Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-profit Organizations;
- 7 CFR Part 3051—Audits of Institutions of Higher Education and Other Nonprofit Institutions;
- 7 CFR Part 3407—NIFA procedures to implement the National Environmental Policy Act;
- 29 U.S.C. 794 (section 504, Rehabilitation Act of 1973) and 7 CFR Part 15B (USDA implementation of statute)—prohibiting discrimination based upon physical or mental handicap in Federally assisted programs; and
- 35 U.S.C. 200 *et seq.*—Bayh-Dole Act, controlling allocation of rights to inventions made by employees of small business firms and domestic nonprofit organizations, including universities, in Federally assisted programs (implementing regulations are contained in 37 CFR part 401).

### § 3401.11 Other conditions.

The Director may, with respect to any research project grant or to any class of awards, impose additional conditions prior to or at the time of any award when, in the Director's judgment, such conditions are necessary to assure or protect advancement of the approved project, the interests of the public, or the conservation of grant funds.

## Subpart B—Scientific Peer Review of Research Applications for Funding

### § 3401.12 Establishment and operation of peer review groups.

Subject to § 3401.7, the Director will adopt procedures for the conduct of peer reviews and the formulation of recommendations under § 3401.16.

### § 3401.13 Composition of peer review groups.

Peer review group members will be selected based upon their training or experience in relevant scientific or

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technical fields, taking into account the following factors:

- (a) The level of formal scientific or technical education by the individual;
- (b) The extent to which the individual has engaged in relevant research, the capacities in which the individual has done so (e.g., principal investigator, assistant), and the quality of such research;
- (c) Professional recognition as reflected by awards and other honors received from scientific and professional organizations outside of the Department;
- (d) The need of the group to include within its membership experts from various areas of specialization within relevant scientific or technical fields;
- (e) The need of the group to include within its membership experts from a variety of organizational types (e.g., universities, industry, private consultant(s)) and geographic locations; and
- (f) The need of the group to maintain a balanced membership, e.g., minority and female representation and an equitable age distribution.

### § 3401.14 Conflicts of interest.

Members of peer review groups covered by this part are subject to relevant provisions contained in Title 18 of the United States Code relating to criminal activity, Department regulations governing employee responsibilities and conduct (part 0 of this title), and Executive Order 11222 (3 CFR, 1964–1965 Comp., p. 306), as amended.

### § 3401.15 Availability of information.

Information regarding the peer review process will be made available to the extent permitted under the Freedom of Information Act (5 U.S.C. 552), the Privacy Act (5 U.S.C. 552a.), and implementing Departmental regulations (part 1 of this title).

### § 3401.16 Proposal review.

- (a) All research Applications for Funding will be acknowledged. Prior to technical examination, a preliminary review will be made for responsiveness to the request for proposals (e.g., relationship of application to research program area). Proposals that do not fall within the guidelines as stated in the annual request for proposals will be